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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIAN LAWRENCE, et al.,

Plaintiffs,

v.

BANK OF AMERICA, et al.,

Defendants

.

2:09-CV-2061 JCM (LRL)

ORDER

Presently before the court is the case of *Lawrence et al v. Bank Of America et al*, (2:09-cv-02061-JCM-LRL).

Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice.” Plaintiffs filed this complaint against defendants in the Eighth Judicial District Court in Clark County, Nevada on October 5, 2009 (Doc. #1). Defendant Bank of America removed this action to this court on October 26, 2009 (Doc. #1). To date, all defendants except First Magnus Financial Corporation have been dismissed from the case.

On February 19, 2010, the clerk of the court provided notice to the plaintiffs that this action would be dismissed as to defendant First Magnus Financial Corporation pursuant to Federal Rule of Civil Procedure 4(m) if plaintiffs did not file proof of service of process by March 21, 2010 (Doc. #24). Additionally, plaintiffs represented that they do not intend to serve First Magnus Financial Corporation because the company is no longer in business (Doc. #34).

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the case as to First Magnus Financial Corporation, be, and the same hereby is, DISMISSED without prejudice.

IT IS FURTHER ORDERED that the clerk of the court close this case.

DATED this 22nd day of June, 2010.

DATED this 22nd day of June, 2010.

James C. Mahan
UNITED STATES DISTRICT JUDGE